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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 PAUL DEWAYNE WALKER, et al.,

11 Plaintiffs,

12 v.

13 BAC HOME LOANS PROCESSING, LP,  
14 et al.,

15 Defendants.

Case No. 2:11-CV-00363-KJD-PAL

**ORDER**

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17 Currently before the Court is Defendants BAC Home Loans Processing, LP, and Recontrust  
18 Company's Motion to Dismiss (#7), filed April 14, 2011. On April 15, 2011, the Court issued a  
19 *Klinge* Order (#8) that notified the Plaintiffs of the necessity of responding to Defendants'  
20 dispositive Motion, and identified what Plaintiffs must do to adequately oppose Defendants' Motion.

21 Also before the Court is Defendant First American Title Company of Nevada's Motion to  
22 Dismiss (#11), filed April 20, 2011. On April 12, 2011, the Court filed a *Klinge* Order (#11) that  
23 again, notified the Plaintiffs of the necessity of responding to Defendants' dispositive Motion.  
24 Despite the Court's warnings, to date, Plaintiffs have failed to file points and authorities in  
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1 opposition to either of Defendants' Motions as allowed by Local Rule 7-2.<sup>1</sup> Local Rule 7-2(d) allows  
2 the Court to consider failure to file points and authorities in opposition as consent to the granting of  
3 the motion.

4 Moreover, the Court has reviewed each Motion, and finds them both to have merit.  
5 Specifically, Defendants move pursuant to Fed. R. Civ. P. 12(b)(1) and (6) to dismiss Plaintiffs'  
6 Complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief can be  
7 granted.

8 Accordingly, pursuant to LR 7-2(d) **IT IS HEREBY ORDERED** that Defendants BAC  
9 Home Loans Processing, LP, and Recontrust Company's Motion to Dismiss (#7), is **GRANTED**.

10 **IT IS FURTHER ORDERED** that Defendant First American Title Company of Nevada's  
11 Motion to Dismiss (#11), is **GRANTED**.

12 DATED this 16th day of May 2011.

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Kent J. Dawson  
United States District Judge

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<sup>1</sup>Defendants both filed Notices of Non-Opposition (##13, 14) on May 6 and 10, 2011, respectively.